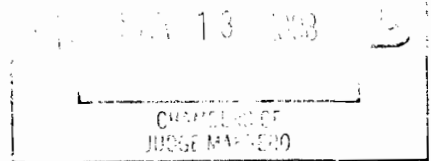




MICHAEL A. CARDOZO
Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

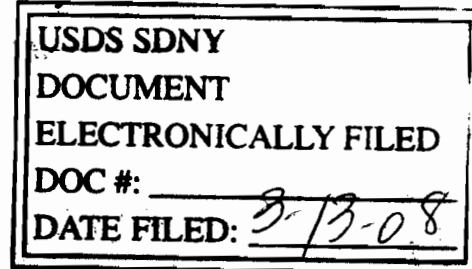


DOUGLAS W. HEIM
Assistant Corporation Counsel
phone: (212) 788-1298
fax: (212) 788-9776
dheim@law.nyc.gov

March 12, 2008

VIA HAND DELIVERY

Honorable Victor Marrero
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007-1312



Re: Angelo Carzoglio v. Commissioner Horn, et al., 07 Civ. 7903 (VM)

Your Honor:

I am an Assistant Corporation Counsel in the office of Michael A. Cardozo, Corporation Counsel of the City of New York, representing defendant Commissioner of the Department of Correction Martin Horn ("Horn").¹ I am writing with respect to the above-referenced matter in which plaintiff alleges that defendants denied him due process when he was placed in Close Custody Housing on Rikers Island. On behalf of defendant Horn, this office respectfully requests an extension of time to answer or otherwise respond to this complaint from March 12, 2008 until May 12, 2008. Plaintiff is proceeding *pro se* and has not provided a telephone number where he may be contacted; therefore, this application is made directly to the Court.

¹ Upon information and belief, and according to the docket sheet, the other named individual defendants have not yet been served in this matter. Therefore, should the Court grant this enlargement, it should allow plaintiff time to serve the other individual defendants. If timely served, it may also give this office time to determine, pursuant to Section 50-k of the New York General Municipal law, and based upon a review of the facts of the case, whether we may represent them. See *Mercurio v. The City of New York, et al.*, 758 F.2d 862, 864-65 (2d Cir. 1985) (quoting *Williams v. City of New York, et al.*, 64 N.Y.2d 800, 486 N.Y.S.2d 918 (1985) (decision whether to represent individual defendants is made by the Corporation Counsel as set forth in state law)).

There are several reasons for seeking an enlargement of time in this matter. In accordance with this office's obligations under Rule 11 of the Federal Rules of Civil Procedure, we need time to investigate the allegations of the complaint and obtain the relevant underlying documentation. Additionally, because plaintiff seeks injunctive relief, plaintiff's claims fall within the general purview of the Prison Litigation Reform Act ("PLRA") and plaintiff indicated that he does not know whether his claims were covered by Department of Correction grievance procedures, we require time to investigate administrative remedies available to plaintiff, so defendant Horn can properly assess the case and respond to the complaint.

No previous request for an extension has been made by defendant Horn in this action. Accordingly, we respectfully request that defendant Horn's time to answer or otherwise respond to the complaint be extended to May 12, 2008.


Thank you for your consideration herein.

Respectfully submitted,



Douglas Heim
Assistant Corporation Counsel
Special Federal Litigation Division

cc: Mr. Angelo Carzoglio (By first class mail)
Plaintiff *pro se*
131 Broome Street
#26-E
New York, NY 10002

Request GRANTED. The time for defendant(s) to answer or otherwise move with respect to the complaint in this action is extended to <u>5-12-08</u>	
SO ORDERED.	
<u>3-13-08</u> DATE	 VICTOR MARRERO, U.S.D.J.